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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/277,198	03/26/1999	YOSHIHITO ASAO	Q53565	3195

7590

06/11/2002

SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20037

EXAMINER

TAMAI, KARL I

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 06/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/277,198

Applicant(s)

ASAO, YOSHIHITO

Examiner

Tamai IE Karl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 5-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Applicant's arguments on Appeal regarding claim 2 is persuasive. Therefore the finality of the rejection of the last Office is withdrawn.

Election/Restrictions

2. This application contains claims 5-15 are drawn to an invention nonelected with traverse in Paper No. 8. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The rejection of Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi et al.(Adachi)(JP 9-103052), Kawai et al.(US 5,691,590), and Glennon(US 4,598,223) are withdrawn.

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi et al.(Adachi)(JP 9-103052) and Fujiwara et al.(Fujiwara)(JP 62-201,038) and Kawai et al.(US 5691590) are withdrawn.

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6. Claims 1 and 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi et al.(Adachi)(JP 9-103052) and King(US 3,531,672). Adachi discloses the stator for an alternator essentially as claimed except for the inner circumferential surfaces of the bridge portions are placed close with the axial end surfaces of the stator core and the stator coils being three phase. King discloses a three phase alternator with the bridge portions being close to the end of the stator to provide a generator with small axial dimensions and improved cooling. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the alternator of Adachi with the coil close to the stator as in King to provide a generator with small axial dimensions and improved cooling.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi and King, in further view of Schonfelder(US 2,234,903). Adachi and King teach every aspect of the invention except groove in the end surface of the teeth. Schonfelder teaches grooves in the end of the stator teeth to suppress vibrations. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the stator of Adachi and King with the grooves of Schonfelder to suppress vibrations.

Response to Arguments

8. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new grounds of rejection. The examiner does not agree with the applicant's prior arguments regarding the withdrawn rejections, but has provided a new

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ground of rejection due to the Applicant's broadening of the claim which consolidated issues for the Board of Appeals and Interferences. In response to applicant's argument that Schonfelder teaches the slots for a different reason is not persuasive, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). The Applicant's argument regarding a pre-formed coil is not persuasive because it is a method of making limitation which is not germane to the patentability of the apparatus. Additionally the Applicant is viewing the references individually rather than the combined teaching of the references (See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986) holding that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.). The combined teaches of Adachi and Fujiwara or Glennon both teach prewound coils which directly contact the end of the stator core. The Applicant's argument regarding motivation is extremely weak, as there are two references Glennon and Fujiwara of record that teach placing the endturns in contact with the end of the stator core and King which teaches the endturns close to the end of the stator core to reduce the axial length of the stator.

Conclusion

9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai at (703) 305-7066.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703)308-1371. The facsimile number for the Group is (703)305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist at (703) 308-0956.



Karl I Tamai
PRIMARY PATENT EXAMINER
June 7, 2002

KARL TAMAI
PRIMARY EXAMINER